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9	UNITED STATES I	DISTRICT COURT	
10	NORTHERN DISTRICT OF CALIFO	RNIA, SAN FRANCISCO DIVISION	
11			
12	THEODORE ELLINGTON AND VICTORIA	Case No. 3:18-CV-05352-JST	
13	TRUSTY,	STIPULATION AND [PROPOSED]	
14	Plaintiffs,	ORDER EXTENDING TIME TO RESPOND TO PLAINTIFFS' MOTION	
15	V.	TO REMAND	
16	TETRA TECH, INC.; TETRA TECH EC, INC.; LENNAR CORPORATION; HPS1		
17	BLOCK 51 LLC; FIVEPOINT HOLDINGS, LLC; BILL DOUGHERTY; NICK ZAFERES;		
18	EMILE HADDAD, and DOES 1-100 Inclusive,		
19	Defendants.		
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28	- 1	- Case No. 3:18-CV-05352-JST	
	STIPULATION AND [PROPOSED] ORDER EXTENDING TIME TO RESPOND TO PLAINTIFFS' MOTION TO REMAND		

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STIPULATION

Pursuant to Local Rules 6-1 and 6-2, Plaintiffs Theodore Ellington and Victoria Trusty ("Plaintiffs") and Defendant Tetra Tech EC, Inc. ("Tetra Tech"), by and through their undersigned counsel, hereby stipulate as follows:

WHEREAS, Tetra Tech removed this action to this Court on August 30, 2018.

WHEREAS, Plaintiffs filed a motion to remand this action on September 25, 2018.

WHEREAS, Tetra Tech's deadline to file an opposition to the motion to remand is October 9, 2018, and Plaintiffs' deadline to file a reply in support of their motion to remand is October 16, 2018.

WHEREAS, the motion is currently set for hearing on November 8, 2018.

WHEREAS, Plaintiffs also filed an identical motion to remand in a substantially similar case entitled *Pennington*, *et al.* v. *Tetra Tech*, *Inc.*, *et al.*, Case No. 3:18-cv-05330-JD, also pending in the Northern District of California. The motion hearing in *Pennington* is currently set for November 15, 2018 before Judge Donato.

WHEREAS, on September 24, 2018, Tetra Tech filed an administrative motion to consider whether four cases pending in the Northern District of California should be related, those being the instant action, the *Pennington* action, *Michael Lin, et al. v. Tetra Tech, Inc., et al.*, Case No. 3:18-cv-05771-LB, and *Dorsey v. Tetra Tech EC, Inc., et al.*, Case No. 3:18-cv-03623-EDL, the action in which the administrative motion was filed. The *Pennington, Ellington*, and *Lin* plaintiffs agree that their cases are related, but not that the *Dorsey* case is related.

WHEREAS, Tetra Tech believes that resolving the administrative motion regarding related cases—prior to multiple hearings on identical remand motions before different assigned Judges—will optimally serve the parties' and the Court's interests in efficiency and equity.

WHEREAS, under Local Rule 3-12(b)(1), a ruling is expected on the administrative motion by October 12, 2018.

WHEREAS, Tetra Tech requires additional time to gather the necessary evidence to support its Opposition to Plaintiff's Motion to Remand. Some of the evidence is many decades

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1	old and is not within the custody and control of Tetra Tech; while some of the evidence under	
2	review is extremely voluminous. (See Declaration of Merton A. Howard submitted herewith.)	
3	IT IS HEREBY STIPULATED AND AGREED, by the undersigned parties, through their	
4	counsel, and subject to Court approval, that Tetra Tech may have until October 23, 2018, to file	
5	its Opposition to Plaintiffs' Motion to Remand, and Plaintiffs may have a corresponding extension	
6	of time until November 6, 2018 to file their Reply. In order to accommodate the revised briefing	
7	schedule, the parties are available for hearing on November 15, November 29, or such later date	
8	as is ordered by the Court.	
9		
10	Dated: October 5, 2018 By: /s/ Anne Marie Murphy JOSEPH W. COTCHETT	
11	ANNE MARIE MURPHY ALISON E. CORDOVA	
12	ADAM J. TROTT STEPHANIE D. BIEHL	
13	COTCHETT, PITRE & McCARTHY, LLP 840 Malcolm Road	
14	Burlingame, CA 94010 Telephone: (650) 697-6000	
15	Facsimile: (650) 697-0577 Attorneys for THEODORE ELLINGTON and	
16	VICTORIA TRUSTY	
17	Dated: October 5, 2018 By: /s/ Megan Oliver Thompson	
18	MERTON A. HOWARD MEGAN OLIVER THOMPSON	
19	LAWRENCE M. CIRELLI DAVINA PUJARI HANSON BRIDGETT LLP	
20	425 Market Street, 26th Floor San Francisco, California 94105	
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22	Attorneys for TETRA TECH EC, INC. and TETRA TECH, INC.	
23	TETRA TECH, INC.	
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28	- 2 - Case No. 3:18-CV-05352-JST STIPULATION AND [PROPOSED] ORDER EXTENDING TIME TO RESPOND TO PLAINTIFFS' MOTION TO	
	REMAND	

Civil Local Rule 5-1(i)(3) Attestation Pursuant to Civil Local Rule 5-1(i)(3), I, Megan Oliver Thompson, the ECF user whose user ID and password are being utilized in the electronic filing of the foregoing Stipulation Extending Time to Respond to Plaintiffs' Motion to Remand, hereby attest that I obtained concurrence in the filing of the document from each of the other signatories hereto. Dated: October 5, 2018 By: <u>/s/Megan Oliver Thompson</u> Megan Oliver Thompson - 3 -Case No. 3:18-CV-05352-JST STIPULATION AND [PROPOSED] ORDER EXTENDING TIME TO RESPOND TO PLAINTIFFS' MOTION TO

REMAND

1	[PROPOSED] ORDER		
2	The parties having stipulated and good cause appearing therefore, Tetra Tech may have		
3	until October 23, 2018, to file its Opposition to Plaintiffs' Motion to Remand, and Plaintiffs may		
4	have until November 6, 2018, to file their Reply. The Motion will be heard on <u>December 6</u> ,		
5	2018.		
6	PURSUANT TO STIPULATION, IT IS SO ORDERED.		
7			
8	D. 1. October 9, 2018		
9	Dated: October 9, 2018 Hon. John S. Tigar Hon. John S. Tigar		
10	United States District Court Judge		
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